

REMARKS

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

Claim Objections

In the Office Action, the Examiner objects to Claim 30 for an informality.

In response, Applicants are amending Claim 30 to replace "comoprises" with "comprises," as the Examiner suggested. Accordingly, it is respectfully submitted that this objection has been overcome, and it is respectfully requested that the objection be withdrawn.

Claim Rejections - 35 USC §112

The Examiner rejects Claims 15-31 under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending Claims 15 and 16 to clarify the claimed invention. In particular, Applicants are deleting the objected to language, and amending Claims 15 and 16 to recite the features of: an anode; a first layer containing a light-emitting material over the anode; a second layer containing an organic compound and an electron-supplying material over the first layer; a third layer including a transparent conductive film over the second layer; a fourth layer containing a hole transporting material over the third layer; and a cathode over the fourth layer.

It is respectfully submitted that these amendments overcome the Examiner's objection, and Claims 15-31 are not indefinite. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §102

The Examiner also rejects Claims 15-22, 26-28 and 31 under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Forrest et al (US 5,703,436). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 15 and 16. In particular, Claim 15 has been amended to recite “an anode containing a light-transmitting material.” This feature is supported by for example, paragraph [0021] in the specification of the present application. Claim 16 has been amended to recite “the fourth layer being in contact with the third layer,” and “the cathode being in contact with the fourth layer.” These features are shown, for example, in Fig. 1 of the present application.

In contrast, Forrest appears to disclose that anode 38 is a reflective metal layer. See e.g. Col. 6, lines 20-22 in Forrest. Therefore, Forrest does not disclose or suggest the claimed feature of “an anode containing a light-transmitting material” of Claim 15.

In addition, metal layer 26M (which the Examiner contends is the cathode) in Forrest is in direct contact with the ITO layer 26I (which the Examiner alleges is the third layer including a transparent conductive film). In the device of Claims 15 and 16, the cathode (containing reflective metal) and the third layer including a transparent conductive film are not in direct contact (i.e. a fourth layer is over the third layer and a cathode is over the fourth layer). Therefore, electric erosion due to the difference in the self-potential can be prevented with the claimed invention, and the reaction of the reflective metal and the transparent conductive film can be prevented. See e.g. paragraph [0030] in the specification of the present application.

Therefore, independent Claims 15 and 16 are not disclosed or suggested by Forrest, and Claims 15, 16 and those claims dependent thereon are patentable over Forrest. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

The Examiner also rejects Claims 23-25 and 29-30 under 35 USC §103(a) as being unpatentable over Forrest and further in view of Ishihara et al (US 2003/0048072). This rejection is also respectfully traversed.

Each of these claims is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, each of these claims is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Date: January 14, 2009

Respectfully submitted,

/Mark J. Murphy/
Mark J. Murphy
Registration No. 34,225

COOK ALEX LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer No. 26568